



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

332

CRM-M-14967-2025

Date of decision: 13th May, 2025

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 66 dated 01.12.2024 registered under Sections 115(2), 118(1), 118(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bhaini Mian Khan, District Gurdaspur, Punjab.

2. As per the allegations on 18.11.2024 at about 03:00 PM, the complainant Angrej Singh was standing outside his house when the present petitioner armed with a *datar*, co-accused Amar Singh armed with a *daang* and accused Sohan Singh reached there. The accused Sohan Singh made an exhortation to teach a lesson to the complainant for quarreling with their children and then, they opened an assault upon him. The petitioner struck blows with *datar*, injuring the head and right wrist of the complainant,



whereas the accused Amar Singh struck blows with *daang* on his back and chest. On clamour being raised, the assailants fled from the spot. On the basis of these allegations, the aforementioned FIR has been registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Gurdaspur which was dismissed vide order dated 04.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, it is a case of version and cross-version. There is delay of 14 days in lodging of the FIR which has not been satisfactorily explained by the complainant. The sister of the petitioner had been living with him due to matrimonial discord with her husband. The complainant. The complainant had been keeping an evil eye on her and had been repeatedly teasing her. On 18.11.2024 also, he had stopped her and caused injuries when she did not respond to the advances made by the complainant. The petitioner had intervened to save his sister. He is not the aggressor. The police refused to record his statement and took 15 days time to record the same. The sister of the petitioner had sustained grievous injuries. He does not have any criminal antecedents. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. The co-accused have been extended benefit of pre-arrest bail. On parity, he too deserves to be given the same benefit. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that there are grave allegations



against the petitioner as greivous injuries on vital part of body of the complainant have been attributed to him. It is further urged that keeping in view the allegations levelled against the petitioner, he does not deserve to be extended benefit of pre-arrest bail. While further submitting that no extra ordinary and exceptional circumstance has been made out for grant of bail, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have opened an assault upon the complainant and is further alleged to have caused injuries to him, two of which have been opined to be grievous and caused by sharp edged weapon. The petitioner has placed on record copy of medico legal report of his sister to show that she too had sustained injuries on the same day and one of the injuries so sustained has been opined to be grievous. However, no cross case has been registered against the complainant. There is no material on record to show at this stage that any complaint had even been lodged on the side of the petitioner or his sister. The effect of delay in lodging of the FIR will be taken into consideration by the learned trial Court after analysing the evidence to be produced in trial. It is well settled proposition of law that gravity of the allegations is a criteria for grant/denial of bail to an accused. Allegations against the petitioner are serious and specific in nature. For conducting thorough invstigation in the matter, custodial interrogation of the petitioner is must. It is well settled propostion of law that the powers for grant of anticipatory bail should be exercised in exceptional and sparing circumstances. No such circumstance



has been made out in this case. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*